

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05cr345

UNITED STATES OF AMERICA

vs.

TERESA RENEE CLARK

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ORDER

THIS MATTER is before the Court upon motion of the defendant for review of detention. (Doc. No. 81).

The defendant pled guilty to Count One of the indictment on September 21, 2006, charging conspiracy to manufacture and possess with intent to deliver 500 grams or more of methamphetamine. (Doc. No. 57: Plea Agreement; Doc. No. 58: Acceptance and Entry of Guilty Plea). Thus, the defendant has been found guilty and is awaiting imposition of sentence for an offense described in subparagraph (C) of subsection (f)(1) of 18 U.S.C. § 3142. Pursuant to § 3143(a)(2), the defendant shall be detained unless the Court finds a substantial likelihood that a motion for acquittal or new trial will be granted; or an attorney for the government has recommended that no sentence of imprisonment be imposed; and the Court finds by clear and convincing evidence the person is not likely to flee or pose a danger to any other person or the community. 18 U.S.C. § 3143(a)(2)(A)(i), (ii) and (B).

As grounds for the defendant's motion, she alleges that she has a stable home to return to if released from custody. (Doc. No. 81: Motion at ¶ 8). Upon review of the record, even in a light most favorable to the defendant, the Court finds the defendant has not alleged or established that

there is a substantial likelihood that motion for acquittal or new trial will be granted or that an attorney for the government has recommended that no sentence of imprisonment be imposed. Thus, the Court is obligated by the statute to detain the defendant because the prerequisites for release have not been met. Id.

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals Service, and the U.S. Probation Office.

Signed: November 28, 2006

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

